

REMARKS/ARGUMENTS:

Minor changes are made to this specification. Claims 3 and 7 are amended. Claims 1-10 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

SPECIFICATION:

The amendment filed on 5/12/2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. The Office states,

“The added material which is not supported by the original disclosure is as follows: rephrasing page 7, lines 16-18 under the Brief Description of the Drawings section to delete Fig. 3C from the original disclosure that stated that Figs. 3A to 3C are timing charts showing processing performed in the 1xEVDO system during a conventional suspend time introduces new matter into the disclosure as originally filed.” (Office Action, at p. 2, lines 11-15).

Applicant respectfully disagrees. Support for the amendment can be found at p. 16, line 18-p. 18, line 1 of Applicant's specification. However, in order to expedite prosecution of the instant application, Applicant further amended the specification so that “Fig. 3C” is no longer deleted. The specification, as currently amended, merely clarifies that Figs. 3A to 3C relate to a communication system having a single communication protocol, and not to a hybrid communication system having two communication protocols. Withdrawal of this objection is thus respectfully requested.

DRAWINGS:

The Office states, “Figure 3C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.” Applicant respectfully disagrees.

Fig. 3C shows a timing chart in order to explain a virtual case when the suspend time is not set and in order to explain a disadvantage of the virtual case. One skilled in the art at the time of the present invention would inevitably set the suspend time in the communication system that has a single communication protocol (1xEVDO), because the communication system cannot receive an incoming message even when the base station has immediately sent an incoming message (see Applicant's specification, at p. 14, line 11-p. 15, line 1). Therefore, Fig. 3C does not correspond to Applicant's Admitted Prior Art (hereinafter "AAPA").

When one skilled in the art at the time of the present invention explains the hybrid communication system based on the communication system that has a single communication protocol, only Figs. 3A and 3B are relied upon. One skilled in the art would not have relied upon Fig. 3C, because Fig. 3C is not prior art.

CLAIM OBJECTIONS:

Claims 3 and 7 and their dependents thereof are objected to because of the following informalities. The Office states that "the first communication method" should be replaced with --the first communication protocol-- in line 15 of claim 3 and in line 9 of claim 7. In response, Applicant amended claims 3 and 7 in the manner suggested by the Office. Withdrawal of these objections is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112:

Claims 3, 4, 7, and 8 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

The Office states,

“Regarding claims 3, 7, and their dependents thereof, the newly added limitations of ‘wherein the setting section does not the suspend time after the second changing section changes the monitoring timing of the first communication method by communicating with the base station’ (Claim 3) and ‘not setting the suspend time for detecting an incoming call from the base station using the first communication protocol after the monitoring timing of the first communication method is changed by communicating with the base station’ were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does disclose wherein the setting section does not set the suspend time in a case of communicating with the base station by the second changing section (page 5, lines 19-22); and that the suspend time is not set when the processing for communication with the base station has ended properly (page 17, line 24 through page 18, line 1). However, this is different from the specific limitation of not setting the suspend time after the second changing section changes the monitoring timing of the first communication method as claimed. Applicant has not pointed out where the amended claim is supported, nor does there appear to be a written description of the claim limitation of not setting the suspend time after the second changing section changes the monitoring timing of the first communication method as claimed in the application as filed.” (Office Action, at p. 6, lines 3-20).

In response, Applicant respectfully submits that the limitations added to claims 3 and 7 are described at p. 19, line 17-p. 20, line 17 of Applicant’s specification. More specifically, the Office is directed to p. 20, lines 13-17 of Applicant’s specification which states,

“When the processing of communication with the 1xEVDO base station has completed properly, such as a case where reconfiguration of the monitoring timing has been performed, the suspend time of the 1xEVDO system is not set.”

In view of the foregoing, claims 3, 4, 7, and 8 comply with the written description requirement. Withdrawal of this rejection is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C § 103:

Claims 3, 4, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA. Applicant respectfully traverses this rejection.

Claims 3, 4, 7, and 8 are patentable over AAPA for reasons discussed under "DRAWINGS" and further elaborated on below:

Figs. 3A, 3B, and 3C relate to a communication system that has a single communication protocol. Fig. 4 relates to a hybrid communication system that has two communication protocols.

Figs. 3A and 3B show timing charts in order to explain a case when the suspend time is set (see Applicant's specification, at p. 13, line 18-p. 14, line 10).

Fig. 3C shows a timing chart in order to explain a virtual case when the suspend time is not set and in order to explain a disadvantage of the virtual case. One skilled in the art at the time of the present invention would inevitably set the suspend time in the communication system that has a single communication protocol (1xEVDO), because the communication system cannot receive an incoming message even when the base station has immediately sent an incoming message (see Applicant's specification, at p. 14, line 11-p. 15, line 1). Therefore, Fig. 3C does not correspond to AAPA.

When one skilled in the art at the time of the present invention explains the hybrid communication system based on the communication system that has a single communication protocol, only Figs. 3A and 3B are relied upon. One skilled in the art would not have relied upon Fig. 3C, because Fig. 3C is not prior art.

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In addition, Applicant notes that although the Office refers to "conserving battery power" at p. 9, lines 14-15 of the Office Action, conserving battery power is not the purpose of the present invention.

In light of the foregoing, Applicant respectfully submits that AAPA cannot render claims 3, 4, 7, and 8 obvious, because AAPA fails to teach or suggest each and every claim limitation. Withdrawal of this rejection is thus respectfully requested.

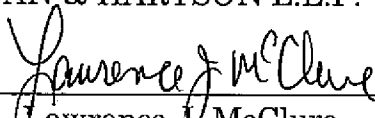
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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